

APPLICANTS:
Dennis & Deborah Billings

REQUEST: A variance to permit an addition within the required front yard setback in the Agricultural District
Code to permit an addition to encroach into

HEARING DATE: September 11, 2006

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5560

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Dennis Dewey Billings

CO-APPLICANT: Deborah Hope Billings

LOCATION: 1844 Trappe Church Road, Darlington
Tax Map: 28 / Grid: 2A / Parcel: 19
Fifth (5th) Election District

ZONING: AG / Agricultural

REQUEST: A variance, pursuant to Section 267-34(C), Table II, of the Harford County Code to permit an addition to encroach into the required 70 foot front yard setback (58 foot setback proposed from the center of the road) in the Agricultural District.

TESTIMONY AND EVIDENCE OF RECORD:

Dennis Billings, Co-Applicant, testified that he and his wife are requesting a variance to enable the construction of a 12 foot by 12 foot addition, which Mr. Billings calls a “bump-out”, to the front of their house.

The subject property is an approximately 1.21 acre parcel located at the intersection of Poole Road and Trappe Church Road. The property is highly irregular in shape, with about 42 feet of frontage on Poole Road and with approximately 138 feet of frontage on Trappe Church Road. The house itself fronts on Trappe Church Road.

The Applicants purchased the property approximately 20 years ago. They wish to construct a relatively modest size addition so as to enlarge their 8 foot by 11 foot kitchen.

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Mr. Billings testified he cannot construct an addition in a location other than as proposed. The existing well of the house is located to the southwest side; the existing septic field is located approximately 18 feet from the back of the house; the driveway is located on the north side of the house; and an attached one car garage is located on the southeast side.

Mr. Billings stated the addition would match in style, appearance and construction that of the existing home, which is vinyl and brick sided. The roof of the addition will conform to that of the existing home.

Mr. Billings has contacted his neighbors and no neighbor has expressed any opposition or concern.

The Applicants also propose to install landscaping around the proposed addition.

For the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune and the Department believe that the property is unique. The lot itself is L-shaped. The location of the well, driveway, and septic field severely restrict the buildable area of the property.

The Department does not feel the requested variance will adversely impact any neighboring property, and recommends approval.

There was no evidence or testimony given in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

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- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicants have lived on the subject property for approximately the past 20 years. The lot is very uniquely shaped, having an ‘L’ configuration with frontage on two roads, but with most of its road frontage along Trappe Church Road. The house is located next to and fronts on Trappe Church Road. Constraining the Applicants’ ability to build an addition to the house is the location of the garage, septic field, and existing well. While the Applicants propose a relatively modest 12 foot by 12 foot addition, there is in fact no available area in which to build the addition except to the front side.

While front yard variances of this type are certainly not common, and are not to be encouraged, the Department of Planning and Zoning found that the street-scape in the area is such that actual front yard setbacks vary, with some houses being non-conforming. Furthermore, the neighbors of the Applicants have been approached by the Applicants and have expressed no problem with the variance.

It is accordingly found that the property of the Applicants is unique and as a result the Applicants suffer a practical difficulty in not being able to build a relatively modest amenity, one enjoyed by many residents in Harford County, without the granting of a variance. The variance, if granted, is the minimum necessary to afford the Applicants the relief requested and would have no adverse impact on the neighbors or the neighborhood.

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CONCLUSION:

It is accordingly recommended the request variance be granted subject to the following:

1. The Applicants obtain all necessary permits and inspections for the addition.
2. The Applicants shall provide landscaping between the dwelling and Trappe Church Road. A landscaping plan shall be submitted to the Department of Planning and Zoning for its review and approval.

Date: October 6, 2006

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on NOVEMBER 3, 2006.